



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

OCT 23 2003

400 Seventh St., S.W.
Washington, D.C. 20590

Mr. John F. Dinda, Jr.
Dinda & Associates, Inc.
6190 Old Still Run Road
Gainesville, GA 30506

Reference No.: 03-0226

Dear Mr. Dinda:

This responds to your letter requesting clarification of the definition for "freight container" under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if an intermediate bulk container (IBC) meets the definition of a freight container and if so, does the IBC meet the packaging requirements in Special Provision IP1.

The answer is no. An IBC does not meet the definition of a freight container. An IBC is a rigid or flexible portable packaging designed for mechanical handling. IBC's are built to standards specified in 49 CFR Part 178. A freight container is "a reusable container having a volume of 64 cubic feet or more, designed and constructed to permit being lifted with its contents intact and intended primarily for containment of packages (in unit form) during transportation." Under the requirements of Special Provision IP1, the IBC must be packed in a closed freight container or a closed transport vehicle. The closed freight container or closed transport vehicle is intended to provide an additional means of containment for the material in the IBC.

I trust this satisfies your inquiry.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



030226

172.102



Corbin
§172.102 IP1
Special Provision

03-0226

September 18, 2003

Mr. Edward T. Mazzullo, Director
Office of Hazardous Materials Standards (DHM-10)
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590-0001

Dear Mr. Mazzullo:

I am seeking clarification of the definition for *freight container* at §171.8 of 49 CFR as it relates to IP Code IP1 appearing in Table 3 at §172.102(b)(4). Column 7 of the Table at §172.101 identifies IP1 as a special provision for the transport of the material in the IBC. The IBC contains a crystalline or granular material which is toxic in Packing Group I.

IP1 reads as follows:

IBCs must be packed in closed freight containers or a closed transport vehicle.

The IBC is certified as "UN 11A/X/**/USA/AA1773/0/2358.7." This IBC is a metal IBC of 110 cubic feet in volume.

"Freight container means a reusable container having a volume of 64 cubic feet or more, designed and constructed to permit being lifted with its contents intact and intended primarily for containment of packages (in unit form) during transportation."

Question 1: Does the IBC of 110 cubic feet containing a crystalline or granular material in bulk meet also the definition for a freight container?

Question 2: If the answer to question 1 is that the IBC in this case is also a freight container, then is IP1 met without further packing requirements for the IBC?

If you require additional information, I can be reached by telephone at 770-889-9492.

Your earliest response would be most appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'John F. Dinda, Jr.', written over a horizontal line.

John F. Dinda, Jr.
President and Regulatory Compliance Associate

6190 Old Still Run Road, Gainesville, GA 30506
770-889-9492 phone 770-889-6040 fax